

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8385 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No.

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3. Whether Their Lordships wish to see the fair copy of the judgement? No.

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.

5. Whether it is to be circulated to the Civil Judge? No.

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GAYAPRASAD BALDEVPRASAD JAIN

Versus

STATE OF GUJARAT

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Appearance:

MR. D.M. AHUJA, Advocate. for Petitioner

MR. M. R. ANAND, G.P. WITH MS HARSHA DEWANI for Respondents.

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 29/08/96

ORAL JUDGEMENT

Rule. Mr. M. R. Anand, learned Government, waives service of notice of rule on behalf of the respondents.

2. Head the learned Advocate for the petitioner and

the Government Pleader.

3. The grievance of the petitioner is that the respondent no.2 Mr. Girish J. Mehta, who was transferred passed the order rejecting the appeal. It is submitted that he has no jurisdiction to pass the order.

4. I have perused the affidavit filed by Mr. Girish J. Mehta. Without expressing any opinion in the matter the ends of justice would meet if the matter is reheard by the Revisional Authority and a fresh order is passed after hearing the petitioner.

5. In view of this, the order of the Revisional Authority dated 14-9-1995 is quashed and set aside. The petitioner shall appear before the Revisional Authority on 16-9-1996 and the Revisional Authority after hearing the petitioner shall pass a fresh order within a period of one month. It is made clear that for any reason the date 16-9-1996 is inconvenient to the concerned authority any other date may be given in the presence of the petitioner. It will be open for the petitioner to make a prayer for interim relief.

6. In view of the aforesaid, this Special Civil Application is allowed to the aforesaid extent. Rule is made absolute to the aforesaid extent. There shall be no order as to cost. D.S. permitted.

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